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SUBJECT: TURKMENISTAN--2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. 2009 STATE 59732
[1](#)B. 2009 STATE 5577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Turkmenistan of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Turkmenistan and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Turkmenistan of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Turkmenistan's country narrative in the 2009 TIP Report:

Turkmenistan (TIER 2 Watch List)

Turkmenistan is a source country for women trafficked primarily to Turkey but reportedly also to the UAE, Kyrgyzstan, Kazakhstan, and Pakistan for the purpose of commercial sexual exploitation. Men and women are trafficked to Turkey for the purpose of domestic servitude and forced labor, specifically in textile sweatshops.

The Government of Turkmenistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not publicly acknowledge trafficking as a problem, undertake significant efforts to raise awareness, or assist victims; therefore, Turkmenistan is placed on Tier 2 Watch List. The government did investigate a small number of trafficking cases during the reporting period. While the government did make significant efforts by adopting the Law on the Battle against Trafficking in Persons⁸ in December 2007, it did not implement the law during the reporting period. The law identifies responsible ministries within the government to combat trafficking and requires authorities to develop measures to prevent trafficking, prosecute traffickers, and assist victims. The government began the process of updating the criminal code to include penalties for trafficking offenses defined as such in the 2007 trafficking law. All forms of trafficking currently are prohibited under existing disparate statutes.

Recommendations for Turkmenistan: Implement the 2007 Law on the Battle Against Trafficking in Persons by completing revisions to the national criminal code to prescribe penalties for both sex and labor trafficking as defined in the 2007 Law on the Battle Against Trafficking in Persons; vigorously investigate, prosecute, and convict trafficking offenders; investigate individual instances of government officials complicit in the facilitation of trafficking, provide victim identification, victim referral, and victim sensitivity training for border guards and police; provide financial assistance to anti-trafficking organizations assisting victims; continue to expand and improve systematic victim identification and referral procedures; establish safeguards and training procedures to ensure victims are not punished for acts committed as a direct result of trafficking, such as migration violations; and conduct a trafficking awareness campaign to inform the general public about the dangers of trafficking.

Prosecution

The Government of Turkmenistan demonstrated no significant law enforcement efforts during the reporting period. Turkmenistan's Law on the Battle against Trafficking in Persons, adopted in December 2007, prohibits all forms of trafficking, but does not explicitly prescribe penalties for such crimes. All forms of trafficking currently are prohibited under disparate statutes, and the criminal code is being amended to prescribe penalties for trafficking under

the 2007 law. Statutes under which traffickers may be prosecuted and punished include those prohibiting pimping, organizing a brothel, the illegal harboring of a person, and the unlawful taking of freedom. In 2008, the government investigated and prosecuted two cases of trafficking under non-trafficking statutes. The government provided no information on the number of traffickers convicted or sentenced to time in prison in 2008. The General Prosecutor's Office provided victim identification training for officials on international trafficking. There were unconfirmed reports that some customs or migration officials were notified of cases when women were trafficked abroad but made no efforts to prevent the trafficking.

Protection

The government made no effort to protect or assist victims during the reporting period. The Government of Turkmenistan did not provide medical assistance, counseling, shelter, legal assistance, or rehabilitative services to victims of trafficking, nor did it supply funding to international organizations or NGOs to provide services to victims. The 2007 trafficking law has provisions for victim care facilities and guarantees protection and assistance for victims of trafficking. Twenty victims were assisted by nongovernment-funded organizations during the reporting period; the government referred no victims for assistance. Government personnel employ no formal victim identification procedures. In 2008, at least two victims assisted in the investigation and prosecution of trafficking cases. Some law enforcement officers detained and questioned victims in order to obtain information; there were no reports of victim imprisonment.

Prevention

Turkmenistan demonstrated no efforts to raise awareness during the reporting period. The government did not fund or conduct any anti-trafficking awareness campaigns in 2008. The government monitored the trafficking situation within its borders.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims' labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of

trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 -- or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers' home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries' "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers' profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1. Why is Turkmenistan ranked on the Report for the first time in 2009? Why was it given a Tier 2 Watch List ranking?

A: Turkmenistan was placed on the TIP Report because there was evidence over the past year that it is a country of origin, transit, or destination for victims of severe forms of trafficking. The Government of Turkmenistan does not fully comply with the minimum standards for the elimination of trafficking; however it is making significant efforts to do so. The government did not publicly acknowledge trafficking as a problem, undertake significant efforts to raise awareness, or assist victims; therefore, Turkmenistan is placed on Tier 2 Watch List.

Q2: What is the human trafficking problem in Turkmenistan?

A: Turkmenistan is a source country for women trafficked primarily to Turkey but reportedly also to the UAE, Kyrgyzstan, Kazakhstan, and Pakistan for the purpose of commercial sexual exploitation. Men and women are trafficked to Turkey for the purpose of domestic servitude and forced labor, specifically in textile sweatshops.

Q3. What efforts did the Turkmenistan government demonstrate during the reporting period?

A. The Government of Turkmenistan investigated a small number of trafficking cases during the reporting period. The government began the process of updating the criminal code to include penalties for trafficking offenses defined as such in the Law on the Battle against Trafficking in Persons, adopted in December 2007.

Q. What efforts should the Turkmenistan government take in the next year?

A. The Government of Turkmenistan should: Implement the 2007 Law on the Battle Against Trafficking in Persons by completing revisions to the national criminal code to prescribe penalties for both sex and labor trafficking; vigorously investigate, prosecute, and convict trafficking offenders; investigate individual instances of government officials complicit in the facilitation of trafficking, provide victim identification, victim referral, and victim sensitivity training for border guards and police; provide financial assistance to anti-trafficking organizations assisting victims; continue to expand and improve systematic victim identification and referral procedures; establish safeguards and training procedures to ensure victims are not punished for acts committed as a direct result of trafficking, such as migration violations; and conduct a trafficking awareness campaign to inform the general public about the dangers of trafficking.

¶12. The Department appreciates posts' assistance with the preceding action requests.
CLINTON